

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 19 and 20 have been cancelled. Accordingly, Claims 1-18 remain pending in the application.

Claim Objections

Claim 19 is objected to under 37 CFR 1.75(C), as being of improper dependent form for failing to further limit the subject matter of a previous claim. In response, claims 19 and 20 have been cancelled. Thus, the objection to claim 19 is now moot.

Claim Rejection – 35 U.S.C. § 101

Claims 19-20 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. In response, claims 19 and 20 have been cancelled. Thus, the rejection of claims 19 and 20 are now moot.

Claim Rejection – 35 U.S.C. § 102

Claims 1-8 and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Teichmer (US 6380991 B1). Applicant respectfully traverses this rejection for the reasons discussed below.

Teichmer describes a method for splicing MPEG-2 transport streams in which a splice is started at a first splice point, which is a first anchor frame in a first stream, and ends at a second splice point, which is an I-frame in a second stream (column 2, lines 11 to 15; fig.2). A drain frame sequence is inserted into the time span between the splice points to force buffers into an empty or nearly empty state. The drain frame sequence comprises a plurality of freeze frames and, optionally, an initial black I-frame.

The Examiner has commented that the GOP boundary, shown in fig.2 of Teichmer, representing the first splice point, is a splicing command, $Cc(T_0)$, and that fig.2 shows the transmittal of a first signal s_1 (stream 1 up to point B_{84}) before the splicing indicated by the command and the transmittal of a second signal s_2 (stream 2 from point I_{19} onwards) after the splicing indicated by the splicing command.

However, Teichmer fails to disclose or suggest transmission of the second signal s_2 starts with a packet of complete data (either I or P data) that is closest (either backward or forward in time) to the instant T_0 indicated by the splicing command $Cc(T_0)$. See for instance Figs. 2a and 2b of the present application, where examples are shown in which the starting point for transmission of the second signal is moved backward in time (Fig.2a) or forward in time (Fig.2b) to the I or P packet closest to T_0 .

Indeed, if the "GOP boundary" labelled on stream 1 of Fig.2 of Teichmer is considered as a splicing command $Cc(T_0)$ as asserted by the Examiner, then the closest I or P frame to that point in the second stream would be P_{13} at the left hand edge of stream 2. If Teichmer disclosed a method according to the claimed invention then transmittal of the second signal should start with that frame P_{13} , but it does not. Instead, transmittal of the second signal starts with the more distant I or P frame, I_{19} .

Based on the above reasons, Teichmer fails to disclose all of the claimed limitations of claim 1. Accordingly, claim 1 is not anticipated by Teichmer and the rejection of claim 1 should be withdrawn.

Claims 2-8 recite additional, important limitations and should be patentable for the reasons discussed above with respect to claim 1 as well as on their own merits.

Claim Rejection – 35 U.S.C. § 103

Claims 9-15 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Teichmer (US 6380991 B1) in view of Fox et al. (US 6181383 B1). Applicant respectfully traverses this rejection.

Claims 9-15 and 17 are directly or indirectly dependent from claim 1, and should be patentable over Teichmer and Fox for at least the same reasons with respect to claim 1 as well as on their own merits.

Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Teichmer (US 6380991 B1) in view of Kelly et al. (US 6952521 B2). Applicant respectfully traverses this rejection.

Claim 16 is dependent from claim 1, and should be patentable over Teichmer and Kelly for at least the same reasons with respect to claim 1 as well as on its own merits.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Kenneth M. Berner".

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